



R-27

Date: April 12, 2005
To: Honorable Mayor and Members of the City Council
From: Councilmember Rae Gabelich, Eighth District *RG*
Subject: AGENDA ITEM: Moratorium on issuing business licenses, permits or other entitlements for distribution centers of medical marijuana

While the City Council recently adopted a policy that allows police to investigate a medical marijuana claim before making an arrest, the City does not currently regulate the operation of cannabis clubs or other similar distribution centers for the retail sale of medical marijuana.

Other cities in California are also currently determining how best to ensure that retail sales sites do not become magnets for non-medical marijuana sales, drug dealing and other crimes. While these sites may assist medical marijuana patients, it is important for the City to establish standard operating conditions before allowing the clubs to operate in Long Beach.

Additionally, in November 2004, the United States Supreme Court heard arguments in the case *Ashcroft v. Raich*, on whether the federal government can prosecute patients who use marijuana under California's medical marijuana law. A ruling in favor of the federal government would call into question the legality of the California law authorizing the use of medical marijuana.

Therefore, I believe it is important that we await the ruling by the U.S. Supreme Court. If the ruling upholds California's medical marijuana law, the Planning Commission should study the issue and make recommendations to the City Council on possible conditions and regulations to be implemented in conjunction with issuing permits to operators of cannabis clubs or other similar distribution centers.

Suggested Action:

Request the City Council to adopt a minute order pursuant to Long Beach Municipal Code 21.50 effective City-wide prohibiting the issuance of any business license, permit or other entitlement for the sale of medical cannabis or marijuana, direct the Planning Commission to undertake a study on the land use and zoning issues regarding the retail sale or distribution of medical marijuana and within six months recommend to the City Council regulations and conditions that should be required for any such business license, permit or other entitlement, and further direct the City Attorney to prepare an interim zoning ordinance pursuant to Long Beach Municipal Code Section 21.50.